

Memorandum



Date: July 24, 2018

To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the name in the "From:" field.

Agenda Item No. (8)(O)(3)

Subject: Resolution Ratifying Action Related to Miami-Dade Water and Sewer Department's Consent Decree and Capital Improvement Programs Acceleration Ordinance pursuant to Section 2-8.2.12 of the Miami-Dade County Code

Recommendation

It is recommended that the Board of County Commissioners (Board) ratify the action of the County Mayor or County Mayor's designee, as authorized under Section 2-8.2.12 of the Miami-Dade County Code related to Miami-Dade Water and Sewer Department's Consent Decree and Capital Improvement Programs Acceleration Ordinance (WASD Acceleration Ordinance) for the funded project identified below and in Exhibit A, as attached.

Consent Decree Project

Item 1 – Revised Request to Reject all Proposals for Design-Build Services for the Installation of a 36-inch Diameter Sanitary Sewer Force Main on N.W. 107 Avenue from N.W. 7 Street to N.W. 25 Street – Project No. DB14-WASD-09. Six proposals were received on July 6, 2015 in response to a solicitation issued under full and open competition for a Request for Design-Build Services (RDBS).

Scope

The commission district of the project locations is noted in Exhibit A.

Fiscal Impact/Funding Source

The fiscal impact and funding source for this project are detailed in Exhibit A. There is no fiscal impact to the County with the rejection of bids.

Track Record/Monitoring

WASD's Deputy Director, Hardeep Anand, would oversee the implementation of this project.

Background

On September 3, 2014, the Board approved Ordinance No. 14-77 authorizing the County Mayor or County Mayor's designee to award contracts for funded projects and related goods and services, to reject bids and proposals received in connection with any competitive procurement, and to accelerate the approval of WASD's (1) Consent Decree projects and (2) projects identified in WASD Multi-Year Capital Plan's Capital Improvements Program without the need for prior Board approval but subject to ratification by the Board.

On June 2, 2016, the County concluded negotiations with Layne Heavy Civil, Inc. and in July 2017, prior to the award of this design-build contract, Reynolds Construction, which acquired Layne Heavy Civil, Inc., notified the County that they could not perform the project work for the original proposed price due to vendor and sub-contractor increases in pricing. The County is unable to accept the proposed increase in costs, as such, the County recommends rejection of proposals for this project.

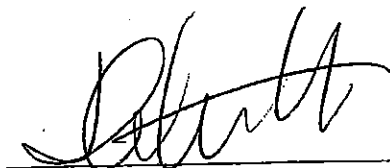
The project will be re-advertised and will integrate adjacent related road repair work in the project's scope of services.

Exhibit A includes the details of the competitively bid award for which ratification of the rejection of all bids is being requested. Exhibit A contains the information bulleted below for the contract award:

- Item Number
- Department Name
- Type of Solicitation
- Contract Type
- Contract No. / Project No.
- Project Name
- Commission District
- Operations and Maintenance Costs
- Estimated Start Date/Estimated End Date
- Contract Measures: SBE Goods & Services; SBE-A/E; SBE-Construction; and CWP Program
- Brief Project Description

Attached as Exhibit B is the revised request to reject all proposals for Design-Build Contract for Item No. 1 as referenced in this memorandum.

Attachments



Jack Osterholt, Deputy Mayor

Exhibit A

Ratification of Rejection of all Proposals Authorized by the WASD Accelerate Ordinance

Item No.	Dept. Name	Type of Solicitation	Contract Type	Contract No.		Project Name	Operations and Maintenance Costs	Est. Start Date		Contract Measures				Brief Project Description
				Contract No.	Project No.			Est. Start Date	Est. End Date	SBE Goods & Services	SBE A/E	SBE Construction	CWP Program	
1	WASD	County Bid Process	Design-Build	DB14-WASD-09		Design-Build Services for the Installation of a 36-inch Diameter Sanitary Sewer Force Main on N.W. 107 Avenue from N.W. 7 Street to N.W. 25 Street	N/A		N/A	N/A	N/A	N/A	N/A	The scope of services for the proposals being rejected includes design-build services for the replacement of an existing 24-inch force main with a new 36-inch force main to increase the system capacity at N.W. 107 Avenue from N.W. 7 Street to N.W. 25 Street. This project is part of the Doral Basin Projects and part of Special Sewer Connection Charge Ordinance 13-73.

Exhibit B

CLERK OF THE BOARD
Memorandum



2018 MAY 21 AM 11:25

Date: May 17, 2018

To: Honorable Carlos A. Gimenez
County Mayor

CLERK, CIRCUIT & COUNTY CTS
MIAMI-DADE COUNTY, FLA.
#1

From: Kevin T. Lynskey, Director
Water and Sewer Department.

Subject: Revised Request to Reject all Proposals for Design-Build Contract to Layne Heavy Civil, Inc. for Design-Build Services for the Installation of a 36-inch Diameter Sanitary Sewer Force Main on N.W. 107 Avenue from N.W. 7 Street to N.W. 25 Street - Project No: DB14-WASD-09

RECOMMENDATION:

This Request to Reject all Proposals for design-build services for the installation of a 36-inch diameter sanitary sewer force main on N.W. 107 Avenue from N.W. 7 Street to N.W. 25 Street - Project No. DB14-WASD-09 is recommended for approval pursuant to the Miami-Dade Water and Sewer Department's (WASD) Consent Decree and Capital Improvement Programs Acceleration Ordinance Section 2-8.2.12 of the County Code, Chapter 287.055, Florida Statutes, and Administrative Order 3-39. This item was prepared by the Miami-Dade Water and Sewer Department (WASD).

REASON FOR REJECTION:

On April 27, 2015, a Request for Design-Build Services was issued under full and open competition. On July 06, 2015, the Clerk of the Board received six (6) proposals in response to this solicitation. See attached as Attachment "A" "List of Respondents". On January 11, 2016, the Competitive Selection Committee held the "Step 1 Evaluation of Qualifications" meeting for this project and reviewed and ranked the qualifications of the six (6) proposals. The Competitive Selection Committee voted to short-list three (3) firms to submit a Base Proposal as required by Request to Design-Build Services Design Criteria Package for the "Step 2 Technical and Price Proposal Evaluation Meeting. The firms selected included: 1) Layne Heavy Civil, Inc.; 2) Metro Equipment Service Inc.; and 3) Acosta Tractors Inc.

On April 8, 2016, the Competitive Selection Committee held the "Step 2 Technical and Price Proposal Evaluation Meeting with only four (4) Competitive Selection Committee members, due to the illness of a Competitive Selection Committee member. The decision to proceed in this manner was made based on consideration of ethnic and gender diversity, client department representation, the presence of a quorum, and to ensure the timely and effective implementation of the competitive procurement process for design-build services.

The Competitive Selection Committee recommended that the County Mayor approve negotiations with Layne Heavy Civil, Inc., as the highest ranked and most responsive proposer. See attached as Attachment "B" "Step 2 Tabulation Report".

Firm	Total Qualitative Scores	Alternate or Base Price Proposal	Adjusted Bid	Final Ranking
Layne Heavy Civil, Inc.	358	\$6,795,925.79	18,983.03	1
Acosta Tractors Inc.	349	\$7,423,920.53	21,271.98	2
Metro Equipment Service, Inc.	342	\$8,365,000.00	24,459.06	3

The Negotiation Committee was approved by the County Mayor's designee on May 6, 2016. See Attachment "C" "Negotiation Authorization". On June 2, 2016, the Negotiation Committee met and concluded negotiations with Layne Heavy Civil, Inc.

Due to a change in personnel of the Layne Heavy Civil, Inc. team, a Responsibility Review meeting was held on November 21, 2016. The firm was found responsible and the process continued.

However, in early 2017, a concern was raised regarding the use of four Competitive Selection Committee members to score the firms at the Step 2 proceeding and ISD requested a legal opinion. Thereafter, on May 12, 2017, the County Attorney's Office provided an opinion that the County could proceed with award of the project to Layne Heavy Civil, Inc. See Attachment "D" "Legal Opinion".

Prior to the award of the Design-Build contract, on July 24, 2017, Reynolds Construction, which acquired Layne Heavy Civil, Inc., notified the County that the firm could not perform the project work for the original proposed price due to vendor and sub-contractor increases in pricing. See Attachment "E".

After deliberation, the County is unable to accept the proposed increase in cost, and in an effort to gain more value by integrating adjacent related road repair work with this project's scope of services, the County hereby recommends rejection of all proposals for this project.

The project will be re-advertised upon approval of this rejection.

SCOPE:

The Project is located along N.W. 107 Avenue from approximately 200 feet south of N.W. 7 Street, north to N.W. 25 Street, Miami, Florida, which is located in Commission District 10, Commissioner Javier South and Commission District 12, Commissioner Jose "Pepe" Diaz.

FISCAL IMPACT / FUNDING SOURCE:

There is no fiscal impact to the County with the rejection of bids.

TRACK RECORD/MONITOR:

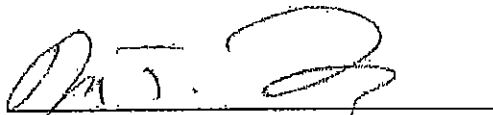
Hardeep Anand, WASD Deputy Director, Capital Improvements

SBD ASSIGNED CONTRACT MEASURES:

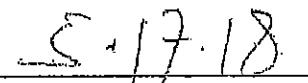
TYPE	GOAL	COMMENT
SBE-Architectural/Engineering	20.00%	Implementing Order 3-32
SBE-Goods and Services	2.00%	Implementing Order 3-41
SBE-Construction	8.00%	Implementing Order 3-22
Community Workforce Program	10.00%	

BACKGROUND:

The existing 24-inch force main was identified as corroded cement lined pipe and in need of replacement. The new 36-inch force main will replace the existing 24-inch force main, which will increase the system capacity. The corroded 24-inch force main will be placed out of service upon the completion of the Project. This Project is part of the Doral Basin Projects and part of Special Sewer Connection Charge Ordinance 13-73.



KEVIN T. LYNSEY ON BEHALF
COUNTY MAYOR CARLOS A. GIMENEZ



DATE

ATTACHMENT A



MIAMIDADE COUNTY INTERNAL SERVICES DEPARTMENT

LIST OF RESPONDENTS

ISD Project Name: Design-Build Services for the Installation of a 36-inch Diameter Sanitary Sewer Force Main
in N.W. 107 Avenue from N.W. 7 Street to N.W. 26 Street
ISD Project No.: DB14-WASD-09
Measures: 20% CBE/SBE-A&E, 0% CBE/SBE - Const., 10% CWP
Number of Agreements: 1
Contract Type: DESIGN BUILD
Submittal Date: 07/05/2016

Submittal No: 1
Prime Name: LANZO CONSTRUCTION CO., FLORIDA
Trade Name:

Prime Local Preference: Yes
FEIN No.: 592011933

Subs Name	Trade Name	Subs FEIN No.
a. WADE TRIM, INC.		592417170
b. JACOBS ASSOCIATES CORP.		941371792
c. KEITH AND ASSOCIATES, INC.		660408421
d. RODOLFO IBARRA, P.E., P.A.		660738785
e. TERRACON CONSULTANTS, INC.		421249917
f. H&C ENGINEERING COMPANY		223998081
g. BRADSHAW CONSTRUCTION CORPORATION		521271691
h. TDW SERVICES, INC.		790780208

Submittal No: 2
Prime Name: LAYNE, HEAVY CIVIL, INC.
Trade Name:

Prime Local Preference: Yes
FEIN No.: 208612748

Subs Name	Trade Name	Subs FEIN No.
a. PARSONS BRINCKERHOFF, INC.	PB AMERICAS, INC.	111691069
b. CHEN MOORE AND ASSOCIATES, INC.	CHEN AND ASSOCIATES CONSULTING ENGINEERS, INC.	592739066
c. A.D.A. ENGINEERING, INC.		592064498
d. TERRACON CONSULTANTS, INC.		421249917
e. LONGITUDE SURVEYORS, LLO	P (3) S M, LLC	664551726
f. MAGBE CONSULTING SERVICES, INC.		660678927
g. BRH GARVER CONSTRUCTION, L.P.		201340827



MIAMI DADE COUNTY
INTERNAL SERVICES DEPARTMENT

LIST OF RESPONDENTS

ISD Project No.: DB14-WASD-03
Measures: 20% CBE/SBE-A&E, 8% CSBE/SBE - Const., 10% CWP
Number of Agreements: 1
Contract Type: DESIGN BUILD
Submittal Date: 07/08/2016

Submittal No: 3
Prime Name: RIC-MAN INTERNATIONAL, INC.
Trade Name:

Prime Local Preference: Yes
FEIN No.: 502300308

Subs Name	Trade Name	Subs FEIN No.
a. WOOLPERT, INC.		201391408
b. THE CORRADINO GROUP, INC.		010713040
c. END ENGINEERS, INC.		000421519
d. O.H. PEREZ & ASSOCIATES CONSULTING ENGINEERS, INC.		660800202
e. NADIC ENGINEERING SERVICES INCORPORATED	NES	300052201
f. CHEROKEE ENTERPRISES, INC.		050891188
g. WINGERTER LABORATORIES INC		090094442
h. INFINITE SOURCE COMMUNICATIONS GROUP, LLC		270403430
i. BOB'S BARRICADES, INC		581605624
j. FILIPPELLI SURVEYING, INC.		271030109
k. RELIABLE PROPERTY SERVICES, LLC		202800194

Submittal No: 4
Prime Name: ACOSTA TRACTORS INC
Trade Name:

Prime Local Preference: Yes
FEIN No.: 581464861

Subs Name	Trade Name	Subs FEIN No.
a. A & P CONSULTING TRANSPORTATION ENGINEERS CORP.		680770803
b. GANNETT FLEMING, INC.		251013501
c. LEGACY DEVELOPERS & ENGINEERS, CORP.		403520066
d. NADIC ENGINEERING SERVICES INCORPORATED	NES	300052251
e. TERRACON CONSULTANTS, INC.		421219917
f. LONGITUDE SURVEYORS, LLC	P (3) S M, LLC	384551728
g. HUXTED TUNNELING, LLC		278835452
h. AMERICAN EMPIRE BUILDERS, INC.		702993182



MIAMI-DADE COUNTY
INTERNAL SERVICES DEPARTMENT

LIST OF RESPONDENTS

ISD Project No: DB14-WASD-09
Measures: 20% CBE/SBE, A&E, 8% CBE/SBE - Const., 10% CWP
Number of Agreements: 1
Contract Type: DESIGN BUILD
Submittal Date: 07/08/2016

Submittal No: 6-
Prime Name: CONDOTTE AMERICA, INC.
Trade Name:

Prime Local Preference: Yes
FEIN No.: 650012559

Sub Name	Trade Name	Subs FEIN No.
a. EAO CONSULTING, INC.		650519789
b. 300 ENGINEERING GROUP, P.A.	RAFAEL J. BALLESTEROS, P.E., P.A. - OLD NAME	662612529
c. KIMLEY-HORN AND ASSOCIATES, INC.		650865816
d. PROFESSIONAL SERVICE INDUSTRIES, INC.		370862090
e. HBC ENGINEERING COMPANY		223936061
f. METCO SERVICES SOUTHEAST, LLC		300208267
g. F.R. ALBMAN AND ASSOCIATES, INC.		502751524
h. KAILAS CORP. D/B/A KAILAS CONTRACTORS	KAILAS CONTRACTORS	201185954
i. T B LANDMARK CONSTRUCTION, INC.		653807016
j. HUXTED TUNNELING, LLC		273335462
k. GENERAL ASPHALT CO., INC.		591115297
l. BARREIRO CONCRETE MATERIALS, INC.		651090585
m. ARAZOZA BROTHERS CORPORATION		650031332
n. EV SERVICES, INC.		206779421



MIAMI DADE COUNTY
INTERNAL SERVICES DEPARTMENT

LIST OF RESPONDENTS

ISD Project No.: DB14-WASD-08
Measures: 20% CBE/SBE, A&E, 8% CSBE/SBE - Const., 10% CWP
Number of Agreements: 1
Contract Type: DESIGN BUILD
Submittal Date: 07/08/2018

Submittal No: 8
Prime Name: METRO EQUIPMENT SERVICE, INC.
Trade Name:

Prime Local Preference: Yes
FEIN No.: 650010248

Subs Name	Trade Name	Subs FEIN No.
a. CES CONSULTANTS, INC.		660792884
b. KIMLEY-HORN AND ASSOCIATES, INC.		660305618
c. NV6, INC. DBA KACO	VERTICAL V-SOUTHEAST, INC. DBA KACO	271978406
d. LONGITUDE SURVEYORS, LLC	P (S) S M, LLC	304651726
e. HUXTED TUNNELING, LLC		273338462
f. EBBARY FOUNDATION COMPANY		690229150
g. GARTH SOLUTIONS, INC.		020787274

11

[illegible]

STEP 2 MEETING		8, 2016	April	COMPETITIVE SELECTION COMMITTEE						TOTAL QUALITATIVE POINTS		Alternate or Base Price Proposal	Adjusted Bid	FINAL RANKING		
Design-Build Services for the Installation of a 36-Inch Diameter Sanitary Sewer Force Main in N.W. 107 Avenue from N.W. 7 Street to N.W. 25 Street				ISD PROJECT NO. DB14-WASD-09						STEP 2 TABULATION SHEET						
NAME OF DESIGN BUILDERS				Jose Soto, WASD	Akbar Sharif, DTPW	Bassam Moubayed, DTPW	Ilana Quintana, WASD	Excused	SUB-TOTAL	Average	Low Disparity	High Disparity				
Layne Heavy Civil, Inc.																
2A - Summary Narrative (Max. 5 points)				5	5	4	4		18	5	3	6				
2B - Design and Permitting Approach (Max. 30 points)				25	27	27	27		106	27	18	35				
2C - Construction Execution Approach (Max. 30 points)				27	29	27	28		111	28	19	37				
2D - Public Interaction Approach (Max. 10 points)				10	10	7	8		35	9	6	12				
2E - Maintenance of Traffic and Residential Access Approach (Max. 10 points)				7	10	8	9		34	9	6	11				
2F - Safety and Health Approach (Max. 5 points)				5	5	4	4		18	5	3	6				
2G - Project Schedule Approach (Max. 15 points)				9	10	8	9		36	9	6	12				
Qualitative Points =				88	96	85	89	0	358				358	\$6,795,925.79	18,983.03	1
Acosta Tractors, Inc.																
2A - Summary Narrative (Max. 5 points)				5	4	4	4		17	4	3	6				
2B - Design and Permitting Approach (Max. 30 points)				29	27	27	27		110	28	18	37				
2C - Construction Execution Approach (Max. 30 points)				28	27	26	25		106	27	18	35				
2D - Public Interaction Approach (Max. 10 points)				8	9	8	9		34	9	6	11				
2E - Maintenance of Traffic and Residential Access Approach (Max. 10 points)				9	8	7	7		31	8	5	10				
2F - Safety and Health Approach (Max. 5 points)				4	5	4	4		17	4	3	6				
2G - Project Schedule Approach (Max. 15 points)				9	10	8	7		34	9	6	11				
Qualitative Points =				92	90	84	83	0	349				349	\$7,423,920.53	21,271.98	2
Metro Equipment Service, Inc.																
2A - Summary Narrative (Max. 5 points)				5	5	4	4		18	5	3	6				
2B - Design and Permitting Approach (Max. 30 points)				28	27	24	26		105	26	18	35				
2C - Construction Execution Approach (Max. 30 points)				30	29	25	25		109	27	18	36				
2D - Public Interaction Approach (Max. 10 points)				8	9	8	8		33	8	6	11				
2E - Maintenance of Traffic and Residential Access Approach (Max. 10 points)				8	8	7	7		30	8	5	10				
2F - Safety and Health Approach (Max. 5 points)				5	5	3	4		17	4	3	6				
2G - Project Schedule Approach (Max. 15 points)				7	9	7	7		30	8	5	10				
Qualitative Points =				91	92	78	81	0	342				342	\$8,365,000.00	24,459.06	3
Cristina Amores, ISD																

ATTACHMENT C

Memorandum

MIAMI-DADE
COUNTY
CLERK OF THE BOARD
2016 MAY 12 AM 9:23
CLERK OF THE BOARD
MIAMI-DADE COUNTY, FLA.
CLERK OF THE BOARD

Date: April 27, 2016

To: Lester Sola, Director
Water and Sewer Department

Through: Miriam Singer, CPPO, Sr. Assistant Director
Internal Services Department

From: *[Signature]* Cristina Amores, A&E Consultant Selection Coordinator
Chairperson, Competitive Selection Committee

Subject: NEGOTIATION AUTHORIZATION
Miami-Dade Water and Sewer Department
Design-Build Services for Installation of a 36-inch Diameter Sanitary Sewer Force
Main in N.W. 107 Avenue from N.W. 7 Street to N.W. 25 Street
ISD Project No. DB14-WASD-09

The Competitive Selection Committee (CSC) has completed the evaluation of the proposals submitted in response to the referenced Internal Services Department (ISD) solicitation and consistent with the guidelines published in the Request for Design-Build Services (RDBS).

ISD Project No.: DB14-WASD-09

Project Title: Design-Build Services for Installation of a 36-inch Diameter Sanitary Sewer Force Main in N.W. 107 Avenue from N.W. 7 Street to N.W. 25 Street

Scope of Services (summary): The scope of services shall include, but is not limited to, surveying, geotechnical investigations, engineering, design, technical specifications, permitting, construction, testing and commissioning services, for the installation of a 36-inch sanitary sewer force main.

The Project consists of abandoning in-place the existing undersized and deteriorated sanitary sewer force main, completion and acceptance of the new work including dewatering of the existing sewage force main, hauling and legal disposal of wastewater, and cleaning the existing pipe and filling in with grout. In addition, relocating existing utilities in conflict with the alignment of the force main as directed by the Engineer.

Project Cost (as advertised): The estimated total compensation for the design-build contract is seven million, nine hundred and fifty-five thousand, nine hundred and thirty-five dollars (\$7,955,935.00) inclusive of the contingencies. The estimated base design-build project cost is seven million, three hundred and forty-four thousand, four hundred and fifty-one dollars (\$7,344,451.00), exclusive of allowance and contingencies. The County reserves the right to negotiate or reject any and all proposal(s), if the price exceeds the estimated project cost. The Price Proposal Form is to include all design and construction services, labor, materials, equipment, tools, utilities, permit fees, approvals, authorizations, certificates, including applicable taxes and all facilities necessary for the completion of the Work.

Term of Contract (as advertised): Substantial Completion on or before five hundred and forty-four (544) calendar days after the date of Notice to Proceed which requires placing into service all new force mains and connections within the public right-of-way and shall include all work associated with surveying, geotechnical investigations, engineering, design, technical specifications, permitting, construction, testing and commissioning services for the complete and fully operational installation of the new 36-inch diameter force main and reopening all roads and sidewalks to traffic.

Final Completion and Project Closeout on or before six hundred and seven (607) calendar days after the date of Notice to Proceed which requires obtaining acceptance by all applicable regulatory agencies including WASD, of all Work and Services under the Contract, including all remaining site restorations, record documents, and all other remaining incomplete or unacceptable work items identified at or subsequent to Substantial Completion.

If the Design-Build does not achieve Substantial Completion by the established Substantial Completion Contract Date, Liquidated Damages (LDs) will be assessed in the amount of two thousand five hundred dollars (\$2,500.00) per calendar day, which will be paid to the County by the Design-Build. If the Design-Build does not achieve Final Completion by the established Final Completion Contract Date, LDs will be assessed in the amount of one thousand dollars (\$1,000.00) per calendar day, which will be paid to the County by the Design-Build. LDs will be cumulative if both the Substantial Completion Contract Date and the Final Completion Contract Date are exceeded. All assessments of LDs to the Design-Build may be adjustments to payments due to the Design-Build.

Small Business Enterprise/Community Workforce Program Goal/Measure: ISD's Small Business Development (SBD) Division established a 20.0% Small Business Enterprise (SBE) - A&E Design Goal, 8.0% Small Business Enterprise (SBE) - Construction Goal, 2.0% SBE - G&S Goal, and a 10.0% Community Workforce Program (CWP) Goal.

Request to Advertise (RTA) Stamped by the Clerk of the Board (COB): April 22, 2015

Selection Process: A two-step selection process was utilized for this Design-Build solicitation, Step 1 - Evaluation of Qualifications, and Step 2 - Evaluation of Technical and Price Proposals. Step 1 is the evaluation of the design-build team's qualifications based on their proposals. Step 2 is the evaluation of competitive technical and price proposals for firms deemed responsive and responsible at Step 1.

STEP 1:

The Step 1 process is the evaluation of qualifications of the teams. Such qualifications included the references for similar types of projects and qualifications of the team to include the Design-Build, lead constructors, lead designers, design team's technical certification and pre-qualification, General Contractors' licenses for the Design-Build, Design-Build's safety record, assurance in meeting the SBE, CSBE and CWP goals, the Design-Build's capability to provide a payment and performance bond, and acknowledgement of insurance coverage.

Step 1 Proposals: Six (6) proposals were received by the COB on July 8, 2015.

Name of Proposer(s): Please refer to the attached List of Respondents (LOR).

Step 1 Evaluation: On January 11, 2016, the CSC evaluated the six (6) proposers based upon the criteria noted in the attached Step 1 Tabulation Report. The CSC voted to advance three (3) of the six (6) proposers (Layne Heavy Civil, Inc., Acosta Tractors, Inc., Metro Equipment Service Inc.) to the Step 2 evaluation, to submit technical and price proposals.

Step 1 Results: See attached Step 1 Tabulation Report.

Page 3
Negotiation Authorization
Miami-Dade Water and Sewer Department
ISD Project No. DB14-WASD-09.

SBE Step 1 Compliance Review: The August 31, 2016 compliance review memo issued by SBD indicated that the top six (6) ranked proposers were responsive to the SBE, CSBE and CWP goals Step 1 compliance requirements.

STEP 2:

Step 2 Proposals: Three (3) technical and price proposals were received by the COB on March 18, 2016.

SBE Step 2 Compliance Review: The April 1, 2016 compliance review memo issued by SBD indicated that all three (3) proposers were responsive to the SBE Step 2 compliance requirements.

Step 2 Meeting: Because a member of the CSC was ill and unable to attend the Step 2 meeting, we proceeded with four (4) members. The CSC evaluated the three (3) proposers, Layne Heavy Civil, Inc., Metro Equipment Service, Inc., and Acosta Tractors Inc, based upon the established evaluation criteria. After the CSC scored all firms, the price envelopes and bid bond envelopes were opened. The Bid Prices from each proposer were read aloud into the record. The final ranking was determined by dividing the Qualitative Score by the Bid Price to yield an Adjusted Bid. See below:

Design-Builder	Qualitative Score	Bid Price	Adjusted Bid	Final Ranking
Layne Heavy Civil, Inc.	358	\$8,795,925.70	18,983.03	1
Acosta Tractors, Inc.	349	\$7,423,920.53	21,271.98	2
Metro Equipment Service, Inc.	342	\$8,965,000.00	26,459.06	3

An Adjusted Bid is the result of an evaluation process where the proposals and oral presentations are evaluated and assigned point values in accordance with established Step 2 criteria stipulated in the solicitation. The qualitative aspects are scored on a scale of 0 to 100 points, per CSC Member, and the recommended firm is selected by dividing the Bid Price by the Qualitative Score, to yield an Adjusted Bid. The firm with the lowest Adjusted Bid was Layne Heavy Civil, Inc. which is final ranked number one (1) with an Adjusted Bid of 18,983.03, Acosta Tractors, Inc. is ranked number two (2) with an Adjusted Bid of 21,271.98, and Metro Equipment Service, Inc. is ranked number three (3) with an Adjusted Bid of 26,459.06.

Step 2 Results: See attached Step 2 Tabulation Report.

Request for Appointment of Negotiation Committee: Pursuant to Section 2-10.4 (6) of the Code of Miami-Dade County, ISD hereby requests the County Mayor or his designee approve the following Negotiation Committee, for the purpose of negotiating one (1) Design-Build Agreement for this solicitation with the top ranked firm. In the event, a committee member is unable to attend a negotiation meeting, the negotiation committee may proceed with negotiations without that member.

Negotiation Committee

Cristina Amores, A&E Consultant Selection Coordinator, ISD, Non-Voting Chairperson
Ileana Quintana, Construction Coordinator, WASD
Jose F. Soto, Chief QA/QC Division, WASD
Bassam Moubayed, Chief, DTPW

15

Page 4
Negotiation Authorization
Miami-Dade Water and Sewer Department
ISD Project No. DB14-WA8D-09

Request for Authorization to Enter Negotiations: Pursuant to Section 2-10.4 (8) of the Code of Miami-Dade County, it is hereby requested that the County Mayor or his designee approve the selection of the following firms for negotiations, in the CSC's recommended order of preference. See below:

SELECTION FOR DESIGN-BUILD NEGOTIATION
ONE AGREEMENT WITH A 20.0% SBE/A&E GOAL, 8.00% SBE/CONSTRUCTION GOAL, 2.0%
SBE/C&S GOAL AND 10.00% GWP GOAL

Layne Heavy Civil, Inc.

The following firm(s) will serve as the alternate(s) in this order:

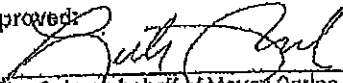
Acosta Tractors, Inc.
Metro Equipment Service, Inc.

Pursuant to the Code of Silence legislation included in the Conflict of Interest and Code of Ethics Ordinance, and Section 2-11.1 of the County Code, the County Mayor or his designee will report to the Board of County Commissioners (Board) any of the following instances:

- When negotiations do not commence, or other affirmative action is not taken, within thirty (30) days of the CSC's recommendation.
- When the County Mayor or his designee's recommendation to award or reject is not made within ninety (90) days from the date of the CSC's recommendation.

If approved, the Negotiation Committee is to proceed with the contract negotiations in accordance with Section 2-10.4 (8) of the Code of Miami-Dade County. The Mayor or the Mayor's designee's award and execution of the contract is subject to ratification by the Board at the next available Board meeting. Should negotiations fail with the first ranked firm, approval is requested by way of this memorandum to initiate negotiations with the alternate firm(s) in the order of the final ranking by the CSC.

If a satisfactory agreement cannot be reached within the sixty (60) day period, a report is required to be prepared fully explaining all problems resulting from the negotiations. If negotiations are proceeding within a reasonable timeframe, then negotiations are to continue and the report is to be submitted upon completion. The final contract and report should be sent to ISD, A&E Unit.

Approved: 
Lester Sola on behalf of Mayor Carlos Gimenez

Date: 5/6/16

Attachments:

1. List of Respondents
2. Step 1 Tabulation Report
3. Step 2 Tabulation Report
4. Step 2 SBD Compliance Review Memorandum

cc: Clerk of the Board of County Commissioners
Competitive Selection Committee and Technical Advisor(s)

16

ATTACHMENT D

Memorandum



Date: May 12, 2017

To: Jack Osterholt
Deputy Mayor
Office of the Mayor

From: Hugo Benitez
Assistant County Attorney *Hugo Benitez*

Subject: Applicability of Implementing Order 3-34 to Design-Build Solicitation
ISD Project No. DB14-WASD-09

You ask whether the competitive selection committee formed to evaluate design-build proposals received in response to the request for Design Build Services, ISD Project No. DB14-WASD-09 (the "Solicitation") is subject to the minimum requirement of five voting members contained in Implementing Order 3-34. You note that this office has previously opined that two other projects for the Water and Sewer Department, B15-WASD-18 and B15-WASD-19, are subject to the minimum five member competitive selection committee requirement because those solicitations sought to procure architecture and engineering services covered by Implementing Order 3-34. You thus inquire whether the same requirement applies to the instant Solicitation for design-build services. For the reasons set forth below, we conclude that it does not. It is our opinion that the minimum voting member requirement to evaluate design and engineering firms contained in Implementing Order 3-34 is not applicable to the selection of design-build firms. As such, you may proceed to award this solicitation even though only four competitive selection committee members participated in the evaluation of the short-listed proposers.

BACKGROUND

We rely on the facts set forth in the draft memorandum from the Mayor to the Board of County Commissioners dated June 6, 2017 (the "Memorandum") forwarded to my office for legal sufficiency review.

On April 27, 2015 the County issued a request for design-build services. Five competitive selection committee members were present for the initial evaluation of the proposals which short listed three of the proposers. Because of the illness of one of the committee members, only four were present to evaluate the technical and price proposals of the short listed proposers. Following evaluation, the committee recommended negotiations with Layne Heavy Civil, Inc., the firm with the lowest adjusted bid. See Memorandum dated April 27, 2016 attached hereto as Exhibit A. As set forth in the draft memorandum, a contract for the required services has been successfully negotiated as is being prepared for approval by the Board of County Commissioners.

DISCUSSION

Implementing Order 3-34, governing the selection and performance of competitive selection committees, provides: "Selection committees formed to evaluate firms under Section 2-10.4 of the Code of Miami-Dade County shall consist of no fewer than five voting members." A selection committee's evaluation of design-build firms, however, is not an evaluation of "firms" within the scope of Section 2-10.4 of the Code and therefore is not subject to the minimum five voting member requirement.

Applicability of Implementing Order 3-34 to Design-Build Solicitation
ISD Project No. DB14-WASD-09
May 12, 2017

As set forth in the Implementing Order, the minimum requirement is limited to the evaluation of "firms" under Section 2-10.4 of the Code. That section defines "firm" as any individual, firm, partnership, corporation, association or other legal entity permitted by law to practice architecture, engineering, landscape architectural or land surveying services. By contrast, a design-build firm, as provided in Section 287.055 of the Florida Statutes is a partnership, corporation or other legal entity which is either a licensed contractor or a design professional. See Fla. Stat. §287.055(2)(h)(1-2). As such, the minimum voting member requirement of Implementing Order 3-34 relating to the evaluation of solicitations for design services solicitations is not applicable to solicitations for design-build services.

This finding is not only supported by the clear language of the Implementing Order and Section 2-10.4 of the Code, but also by County practices in administering these solicitations. Requests for design-build services are evaluated differently than design services; whereas price is an element of the former, they are not considered in the latter. Additionally, proposals for design services are subject to a qualitative evaluation only, design-build proposals typically are awarded on the basis of adjusted low bid, which includes both considerations of quality and price. Moreover, recommendations for award of design-build services are subject to bid protests; recommendations for design services are not.

Finally, the requirement for a minimum of five competitive selection committee members was enacted as a direct result of an earlier mandate in Implementing Order 3-34 to require the dropping of the high and the low score when evaluating design contracts. Without a minimum of five voting members the exclusion of the high and low scores would provide an insufficient number of evaluations for design contracts. There is simply no similar requirement to drop high and low scores when evaluating design-build contracts and thus no need for a similar minimum member requirement.

Our review of the Solicitation confirms this opinion. Please be mindful that if, upon review of this opinion, the Mayor decides on a different course of action than is recommended in the Memorandum, we should consult on the methodology to accomplish the alternate result. In particular, a proposed award of the underlying contract may require notification, the expiration of a protest period, and the resolution of a protest if filed, all in accordance with the County's bid protest ordinance.

Please let me know if you have any questions.

ATTACHMENT E



July 24, 2017

Patty Palomo
Chief Intergovernmental Affairs
Miami-Dade Water and Sewer Department
3071 SW 38th Ave
Miami, FL 33146

Re: Contract No. 17RCFL001
Design-Build Services for the Installation of a 36-inch Diameter Sanitary Sewer Force Main on
N.W. 107 Avenue from N.W. 7 Street to N.W. 25 Street

Ms. Palomo,

We appreciate the pending award of the above referenced project. Our team is ready to move forward with this endeavor in cooperation with WASD.

Since our original proposal in March 2016, the local construction industry has experienced significant price increases across many sectors. Reynolds Construction has been notified by our vendors, suppliers, and sub-contractors that they can no longer honor their original proposals which are now more than 16 months old. We have re-priced the work with today's values and our revised proposal price is \$7,703,726. We would appreciate the opportunity to sit down with you and describe each increase to labor, equipment, materials and subcontractors. Also, due to the volatility of the market, the proposal price is valid for 60 days.

Additionally, due to the time since our proposal, one of sub-contractors cannot commit to the project due to resources being allocated to other projects and has requested to withdraw from the team. The sub-contractor is Slazar Construction (FBIIN 77-0701251). We propose to replace them with MICAR Trucking (FBIIN 65-1075243) to meet the CSBE/SBE goal. We don't expect any other changes to our approach that was presented to WASD in March 2016.

We assure you that we have looked at everything and negotiated with suppliers and sub-contractors to minimize costs. We look forward to the opportunity to working with Miami-Dade.

Should you have any questions, please feel free to contact me at 954.650.0164 or oscar.bello@reynoldscn.com.

Sincerely,
Reynolds Construction

A handwritten signature in dark ink, appearing to read "Oscar Bello".

Oscar Bello, PE, DBIA
District Manager

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(0)(3)
7-24-18

RESOLUTION NO. _____

RESOLUTION RATIFYING ACTION BY COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE RELATED TO MIAMI-DADE WATER AND SEWER DEPARTMENT'S CONSENT DECREE AND CAPITAL IMPROVEMENT PROGRAMS ACCELERATION ORDINANCE PURSUANT TO SECTION 2-8.2.12 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA SPECIFICALLY THE REJECTION OF ALL PROPOSALS FOR DESIGN-BUILD CONTRACT FOR DESIGN-BUILD SERVICES FOR THE INSTALLATION OF A 36-INCH DIAMETER SANITARY SEWER FORCE MAIN ON N.W. 107 AVENUE FROM N.W. 7 STREET TO N.W. 25 STREET – PROJECT NO. DB14-WASD-09

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board ratifies the action of the County Mayor or County Mayor's designee, as authorized by Section 2-8.2.12 of the Code of Miami-Dade County, specifically the rejection of all proposals for Design-Build Services for the Installation of a 36-inch Diameter Sanitary Sewer Force Main on N.W. 107 Avenue from N.W. 7 Street to N.W. 25 Street -- Project No. DB14-WASD-09, all as set forth in the accompanying memorandum.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Esteban L. Bovo, Jr., Chairman

Audrey M. Edmonson, Vice Chairwoman

Daniella Levine Cava

Jose "Pepe" Diaz

Sally A. Heyman

Eileen Higgins

Barbara J. Jordan

Joe A. Martinez

Jean Monestime

Dennis C. Moss

Rebeca Sosa

Sen. Javier D. Souto

Xavier L. Suarez

The Chairperson thereupon declared this resolution duly passed and adopted this 24th day of July, 2018. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

SED

Sarah E. Davis